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2004

MAR 15 2004

By: *Thomas Clark*
LUTHER B. THOMAS, Clerk
B. Jackson
Deputy Clerk

ROME DIVISION

CIVIL MINUTE SHEET

IN OPEN COURT IN CHAMBERS

DATE: 03/11/04 TIME: 9:30 a.m.

HONORABLE HAROLD L. MURPHY

SAMUEL M. JOHNSTON
COURTROOM DEPUTY

DENNIS J. REIDY
COURT REPORTER

IN RE: TRI-STATE CREMATORIUM

ROBERT SMALLEY
KATHERINE BARNETT
ALISTAIR E. NEWBERN

v.

CASE NO. 4:02-CV-41-HLM
MDL: 1467

ANDERSON DAVIS
SKIP PATTEY
CAMPBELL
FRANK JENKINS
J.J. WALKER
STEWART JAMES

CAUSE CAME ON FOR 0 JURY 0 NON-JURY TRIAL ON THE MERITS. Came the parties in person and/or as shown above.

PLAINTIFF(S) 0 REQUEST OF CHARGE 0 VOIR DIRE 0 TRIAL MEMO/BRIEF 0 STATEMENT OF CONTENTIONS

DEFENDANT(S) 0 REQUEST OF CHARGE 0 VOIR DIRE 0 TRIAL MEMO/BRIEF 0 STATEMENT OF CONTENTIONS

PLAINTIFF(S) 0 PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

DEFENDANT(S) 0 PROPOSED FINDINGS OF FACT AND CONCLUSION OF LAW

0 Whereupon the Court ordered that a jury be impaneled to try said issues, and after the Court had qualified the jurors for cause, and after counsel had exercised all peremptory challenges, the jurors selected to try said issues and were sworn, to wit:

1.	SAME AS 03/01/04	5.	9.
2.		6.	10.
3.		7.	11.

4.

8.

12

THE RULE OF SEQUESTRATION WAS 0 WAS NOT INVOKED

HEARING/PRE-TRIAL/ EVIDENCE:

IN CHAMBERS: THE MARSH DEFENDANTS ANNOUNCE THEY HAVE SETTLED THEIR CASE, THE SETTLEMENT IS PRELIMINARY PRESENTED TO THE COURT AND THE COURT APPROVES THE SAME.

Dft. LIAISON COUNSEL, ANDY DAVIS, REQUESTED THAT THOSE FUNERAL HOME DEFENDANTS WHO WERE PREVIOUSLY RELIEVED FROM THEIR FINANCIAL OBLIGATIONS TO PAY LIAISON COUNSEL DUE TO THE SETTLEMENT SHOULD NOW BEGIN TO CONTRIBUTE TO THE FUND UNTIL THE FINAL SETTLEMENT HAS BEEN COMPLETED. THE COURT REQUESTED THAT LIAISON COUNSEL DRAFT AN ORDER FOR ITS CONSIDERATION.

IN OPEN COURT: THE COURT ANNOUNCED THE CASE HAS SETTLED AND DISCHARGED THE JURY.

PLAINTIFF EXHIBIT 19 RETURNED

VERDICT:

JUDGEMENT:

COURT ADJOURNED AT: 12:25 P.M. UNTIL

0 UNTIL FURTHER ORDER

0 JURORS EXCUSED UNTIL THE ABOVE TIME UNDER THE USUAL CAUTION OF THE COURT.

JURORS EXCUSED FOR THE TERM.

0 JURORS EXCUSED AND DIRECTED TO RETURN TO THE JURY ASSEMBLY ROOM

EXHIBITS RETURNED TO COUNSEL FOR 0 PLAINTIFF 0 DEFENDANT 0 COURT REPORTER
0 RETAINED BY THE COURT

EXHIBIT AND WITNESS LIST

TT

IN RE = TRI-STATE CREMATORIAL VS. LITIGATION				DISTRICT COURT NORTHERN DIST. OF GA. / ROME	
PLAINTIFF'S ATTORNEY ROBERT SMALLEY		DEFENDANT'S ATTORNEY J. ANDERSON DAVIS	DOCKET NUMBER 4:02-CV-41-HLM / MDL: 1467		
PRESIDING JUDGE HAROLD L. MURPHY		COURT REPORTER DENNIS J. REIDY	TRIAL DATE(S) 03/01/04		
F. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS* AND WITNESSES
19		3-8-04			GBI MAP
6A	(R)	3-8-04			OPEN CASKET - PHOTO
6B	(R)	3-8-04			BUTLER BLDG. - PHOTO
6C	(P)	3-8-04			-PHOTO - INSIDE RED GARAGE BLDG
6D	(R)	3-8-04			-PHOTO - VAULTS - 80C -
6F	(R)	3-8-04			-PHOTO - VAULT - 80B - FR. 15 VIEW UPON ARRIVAL
6H	(R)	3-8-04			-PHOTO - FR. 15, VIEW UPON ARRIVAL Box of Remains
6J	(R)	3-8-04			-PHOTO - BOX REMAINS BODY #46 - DIXON
6K	(R)	3-8-04			-Photo - VIEW INSIDE VAULT ADC
6M	NOT				-Photo - BODY #L12
6O	NOT				-Photo - SKELETON REMAINS
6P	NOT				-photo - Panorama view
6R	(R)	3-8-04			-PHOTO - VAULT
7.COV 2	(R)	3-8-04			Photo - Body in Vault #265
7.COV-3	(R)	3-8-04			Photo - "
7.COV 4	(R)	3-8-04			Photo - "
8-A	(R)	3-8-04			Photo - Body in Vault #283
8-B	(R)	3-8-04			Photo - "
8-C	(R)	3-8-04			Photo - "
8-D	(R)	3-8-04			Photo - "

*Indicate a notation as to the location of any exhibit not held with the case file or not available because of size.

(R)→Admitted for the Record Only

EXHIBIT AND WITNESS LIST

Indicate a notation as to the location of any exhibit not held with the case file or not available because of size.

EXHIBIT AND WITNESS LIST

~~110. Use a notation as to the location of any exhibit not held with the case file or not available because of size.~~